

STATEMENT OF PURPOSE

RS20078C2

Following a court judgment against a debtor, Idaho law allows the debtor's property to be seized to satisfy the debt. Since 1881, Idaho law (Idaho Code Section 11-204) has provided that the separate property of a wife is exempt from seizure to satisfy the debts of her husband, but the statute does not have similar protections for the separate property of a husband. On June 18, 2010, the Idaho Supreme Court declared the statute unconstitutional because "it treats husbands and wives unequally." See Credit Bureau of Eastern Idaho v. Lecheminant, 147 Idaho 467, 235 P.3d 1188 (2010). This bill provides for equal treatment of both husbands and wives by providing that their separate property may not be seized to satisfy the separate debts of their spouses. The bill also narrows what the original statute regarded as separate property in order to be consistent with current law defining what is community and separate property.

FISCAL NOTE

There will be no fiscal impact on the General Fund.

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